IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2927 OF 2006

TCL India Holdings Pvt. Ltd. ... Petitioner

V/s.

The Bombay Municipal Corp. & Ors. ... Respondents

Mr. Atul G. Damle for the petitioner
Ms. Preeti Purandare for respondent No. 1.
Mr. Shailesh Kumar for respondent No. 2.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : 28th November, 2006

P.C.

. Rule. Heard forthwith.

2. The petitioner has approached this Court against the order dated 04.10.2006 whereby the petitioner has been called upon to pay penalty amounting to Rs.35,77,630/- within seven days from the receipt of the letter.

3. The power to levy a penalty is contained under Section 478-1A. Such penalty can be imposed on conviction of person charged. In the instant case, though criminal case has been filed against the petitioner, till date there is no conviction. Once that be the case, the order passed by communication

dated 04.10.2006 is without the authority of law.

4. In the light of that the petition made absolute in terms of prayer clause (a). It will, however, be open to the respondents, if the petitioner is convicted, then to take steps by exercising power under Section 478-1A r/w relevant octroi rules.

[F.I. REBELLO, J.]

[ANOOP V. MOHTA, J.]